IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JUN 3 0 2010

JOHN E CORCORAN, CLERK

	BY: Silly on	/
THOMAS W. CODER,) DEPOTY CLERK	
Petitioner,) Civil Action No. 7:09CV00352	
v.) <u>FINAL ORDER</u>	
TERRY O'BRIEN, WARDEN,) By: Hon. Glen E. Conrad United States District Judge	
Respondent.) Officed States District Judge	

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

- 1. The respondent's motion to dismiss shall be and hereby is **GRANTED**;
- 2. The petitioner's motion for default judgment shall be and hereby is **DENIED**;
- The petitioner's request for an evidentiary hearing shall be and hereby is
 DENIED; and
- The petition for writ of habeas corpus filed by the petitioner shall be and hereby is
 DISMISSED and STRICKEN from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This <u>30</u>64 day of June, 2010.

United States District Judge

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